

REMARKS

Claims 1 and 5-7 are pending in the application. The current Office Action dated September 9, 2011 rejects claims 1 and 5-7.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holl (US 3,370,612), of record, in view of Campbell et al (US 3,350,055), and further in view of Heinen (US 3,370,612). The applicant respectfully traverses the rejection for at least the reasons set forth below.

Independent claim 1 as amended recites, in pertinent part, a flow through injection valve comprising a movable member and at least one pin valve. The movable member includes an opening. The pin valve has a pin and a flow through internal conduit extending through the pin. The pin extends through the opening to directly abut a flow through conduit at a bottom region of the opening. The pin valve is movably disposed so that the flow through internal conduit extending through the pin is capable of fluidically communicating with the flow through conduit in the movable member.

This feature is presented by way of example at least at Figure 4B of the applicant's drawings. As shown in Figure 4B, an injection valve 850 comprises a movable member 804' and a pin 3. Flow through internal conduit 58' extends through pin 3. Pin 3 extends through an opening 860' in the movable member 804' to directly abut a flow through conduit 890' at a bottom region of the opening 860' (see also paragraph [0076] of the specification as filed).

The applicant submits that the combination of Holl, Campbell, and Heinen, fails to teach or suggest "at least one pin valve having a pin and a flow through internal conduit extending through said pin," as recited in independent claim 1.

Holl teaches a ball valve, which is well-known to those of ordinary skill in

the art as being fundamentally different than a pin valve. In particular, one of ordinary skill in the art readily understands that a ball valve is a valve with a spherical disc, which controls the flow of fluid through the valve. The sphere has a hole, or port through its middle so that when the port is in line with both ends of the valve, flow will occur. When the valve is closed, the hole is perpendicular to the ends of the valve, and a flow of fluid is blocked.

Holl at Figure 4 clearly shows a ball valve. In contrast to a pin valve, the ball valve of Holl does not teach or suggest a pin and a flow through conduit extending through the pin. Further, Holl does not teach or suggest a pin extending through said opening to directly abut at least one flow through conduit at a bottom region of said opening of said movable member, as claimed. Further, Holl does not teach or suggest a pin valve movably disposed so that said flow through internal conduit extending through said pin is capable of fluidically communicating with said at least one flow through conduit in a movable member, as claimed. Further, Holl does not teach or suggest a pin valve movably disposed so that said flow through internal conduit of said pin is capable of fluidically communicating with another flow through conduit in a movable member, as claimed.

Campbell teaches a dual seal shutoff valve having a rotatable cylindrical valve element positioned in a cavity. The valve element can rotate between a close position and an open position, similar to a ball valve. However, Campbell likewise fails to teach or suggest a pin valve, as claimed. The only mention found in Campbell is with respect to a stop pin 93, which indexes the movement of the valve element 81, but does not extend through an opening in a movable member to directly abut a flow through conduit at a bottom region of the opening. Further, the applicant finds no teaching or suggestion in Campbell of the valve element 81 having a pin and a flow through conduit extending through the pin, as claimed. Further, Campbell does not teach or

suggest a pin extending through said opening to directly abut at least one flow through conduit at a bottom region of said opening of a movable member, as claimed. Further, Campbell does not teach or suggest that the valve element 81 is a pin valve movably disposed so that said flow through internal conduit extending through said pin is capable of fluidically communicating with said at least one flow through conduit in a movable member, as claimed. Further, Campbell does not teach or suggest that the valve element 81 is a pin valve movably disposed so that said flow through internal conduit of said pin is capable of fluidically communicating with another flow through conduit in a movable member, as claimed.

Thus, neither Holl nor Campbell teaches or suggests a pin valve, as claimed. Heinen offers nothing to the asserted combination. Even if Holl and Campbell are combined with Heinen, the combination nevertheless fails to teach or suggestion these limitations of claim 1.

Accordingly, the applicant respectfully withdrawal of the rejection of independent claim 1 under 5 U.S.C. 103(a) based on Holl, Campbell, and Heinen, because the combination of Holl, Campbell, and Heinen does not teach or suggest every element or limitation of the applicant's invention as now claimed.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holl in view of Campbell et al and Heinen as applied to claim 1, and further in view of JP 59-195565, of record. Dependent claims 5-7 depend directly or indirectly from independent claim 1 and are patentable for at least those reasons presented above in connection with independent claim 1. JP 59-195565 likewise fails to teach the abovementioned limitations of claim 1. Accordingly, the applicant respectfully withdrawal of the rejection of independent claims 5-7 under 5 U.S.C. 103(a) based on Holl, Campbell, Heinen, and JP 59-195565.

The applicant respectfully submits that the current Office Action dated September 9, 2011 does not comply with 37 CFR 1.104 or the Manual of Patent Examining Procedure (MPEP) at Section 707.07, which states that the examiner's action will be complete as to all matters. In particular, the MPEP at Section 707.07(f) states that an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application.

The following is a copy of the rejection of claim 1 presented in the Office Action September 9, 2011.

Holl shows a four way valve with moveable seats 66 for switching flow between plural passageways in the valve head but does not show the seats sealing at the bottom of openings. Heinen is cited as a teaching reference of a rotary valve which can be configured as a two way, three way or four way valve. Campbell shows a rotary valve with moveable seats which seal at the bottom of openings.

As shown above, the Office Action refers to Holl as showing a four way valve with moveable seats. However, the Office Action does not identify all of the limitations of the applicant's claim 1 and how or why Holl, either alone or in combination with Campbell and Heinen, teaches these limitations. The Office Action instead makes a conclusionary statement that the valve of Hall can be combined with the sealing structure of Campbell.

Further, the applicant cannot understand from the Office Action why Heinen is cited. The Office Action merely states that Heinen teaches a rotary valve which can be configured as a two way, three way, or four way valve. However, this is no different from Holl, which also teaches a four way rotatable valve, which is a well-known feature of a ball valve.

The MPEP at Section 707.07(f) further states that "If applicant's arguments are persuasive and upon reconsideration of the rejection, the examiner determines that the previous rejection should be withdrawn, the examiner must provide in the next Office communication the reasons why the

previous rejection is withdrawn by referring specifically to the page(s) and line(s) of applicant's remarks which form the basis for withdrawing the rejection.” The applicant find no explanation in the current Office Action as to why the previous rejection in the final Office Action dated April 4, 2011 was withdrawn.

Accordingly, the applicant respectfully requests that the Examiner issue a new Office Action that complies with 37 CFR 1.104 or the MPEP at Section 707.07. Additionally, because the rejection would be rewritten to include clear explanations of the rejection as presented for the first time on the record, the applicant respectfully notes that the new Office Action rejecting one or more of these claims cannot be made final per 37 C.F.R. § 1.113.

CONCLUSION

Applicant submits that this paper provides a response for all pending claims. Any absence of a reply to a specific rejection, issue, or comment, or to any taking of “official notice” or reliance on “common sense”, however, does not signify agreement with or concession of that rejection, issue, comment, taking of “official notice”, or reliance on “common sense”. In addition, because the arguments made above are not exhaustive, there may be reasons for patentability of any or all pending claims that have not been expressed (for example, swearing behind one or more of the cited references).

In view of the arguments made herein, the Applicant submits that the application is in condition for allowance and requests early favorable action by the Examiner.

If the Examiner believes that a telephone conversation with the Applicant’s representative would expedite allowance of this application, the

Examiner is cordially invited to call the undersigned at (508)303-2003.

Respectfully submitted,

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